

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 4/26/2024
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-v-

JAMES KELLY,

Defendant.

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GREGORY H. WOODS, United States District Judge:

Earlier today, the United States Marshals Service notified the Court that Mr. Kelly had refused to appear for the proceeding scheduled for today. The reason for his refusal that was communicated to the Court was that Mr. Kelly stated that “he does not want to go.”

Given Mr. Kelly’s refusal to appear, the Court solicits the views of the parties regarding appropriate next steps in this case. In light of Mr. Kelly’s refusal to be evaluated at the Metropolitan Detention Center (the “MDC”) by the parties’ selected expert and Mr. Kelly’s refusal to appear for today’s conference, the Court no longer has confidence that an evaluation of the defendant’s competence at the MDC by the parties’ selected expert is a viable option. The Court requests the parties’ views regarding whether the defendant must instead be evaluated at a facility within the Bureau of Prisons (the “BOP”) that has the capacity to conduct competency reviews. The parties should submit a joint letter with their respective positions no later than May 1, 2024. If either or both parties believe that Mr. Kelly should be transported to a facility within the BOP for evaluation, the Court requests that the parties present a proposed order to the Court for its consideration.

SO ORDERED.

Dated: April 26, 2024

  
 GREGORY H. WOODS  
 United States District Judge